

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUKE JOHN SCOTT, SR.,

Defendant.

CR-19-29-GF-BMM

ORDER

Myriam Greene, D.D.S., has been subpoenaed to testify in the above-captioned case. Trial is set for November 17, 2020.

Dr. Greene filed a motion to quash that subpoena on October 2, 2020. (Doc. 308). Dr. Greene argued that service was defective, that the Defendant did not provide fees for attendance, that attendance would constitute a hardship, and that she lives more than 100 miles from Great Falls, MT. (Doc. 309). The Court will deny this motion because Defendant avers Dr. Greene's testimony is necessary to refute the governments' charges against him. The Court has issued an order directing the U.S. Marshal Service to personally serve the subpoena, and they will do so to correct any defective service. (Doc. 272). Dr. Greene has been on notice of this matter since August 26, 2020, when she received her first subpoena via

certified mail. (Doc. 236). Dr. Greene is located within Montana and may recover fees and costs incurred from the Federal Defenders of Montana by and through Defendant's stand-by counsel, Bryan Norcross. The subpoena remains valid under Fed. R. Civ. P. 45(c)(1)(B).

The Court notes that it would look kindly at a motion by Dr. Greene to appear via video conference if she would prefer in light of the travel burden and the ongoing COVID-19 pandemic.

Dr. Greene also filed a motion to substitute exhibit to redact private information on October 14, 2020. (Doc. 330). The Court will grant that motion.

**IT IS ORDERED** (Doc. 308) is DENIED.

Dated the 22nd day of October, 2020.



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Brian Morris, Chief District Judge  
United States District Court